

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY MARCH 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 144

Introduced by Assembly Member Ma

January 22, 2009

An act to amend Section 1465.6 of the Penal Code, and to amend Sections 4461, 4463, 22511.57, ~~40000.7~~, and ~~42001.13~~ of ~~40203.5~~, and ~~42001.3~~ of, and to add Sections 40200.1 and 40203.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as amended, Ma. Vehicles: distinguishing placards and special license plates.

(1) Existing law prohibits a person to whom a disabled person placard has been issued from lending the placard to another person, and prohibits a disabled person from knowingly permitting the use of the placard, or special license plates for a disabled person or disabled veteran, for parking purposes by one not entitled to the placard or license plates. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked as specified, and prohibits a person using a vehicle displaying special license plates issued to another person from parking in specified parking stalls or spaces designated for disabled persons, unless transporting a disabled person. A violation of any of those

prohibitions is a misdemeanor punishable by a fine of not less than \$250 and not more than \$1,000, imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment. Existing law also provides that a person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard is guilty of a misdemeanor, punishable by a fine of not less than \$500 and not more than \$1,000, imprisonment in a county jail for 6 months, or both that fine and imprisonment.

This bill would make all of those violations punishable as either a misdemeanor or by the issuance of a *notice of parking-citation violation*. If treated as a parking violation, a violation would be punishable by a civil penalty of not less than \$250 and not more than \$1,000. The punishment would remain the same for a violation treated as a misdemeanor, except that the fine for a misdemeanor punishment for a person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard would be not less than \$250, rather than not less than \$500, and not more than \$1,000.

(2) Existing law authorizes a local authority, as defined, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on streets or highways or in a disabled person's parking space at an offstreet parking facility within its jurisdiction when the vehicle displays a distinguishing placard issued to a disabled person or disabled veteran, and the records of the Department of Motor Vehicles indicate that the placard has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as being deceased for a period exceeding 60 days.

This bill, instead, would authorize a local authority, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on one of those areas in its jurisdiction when the vehicle displays that distinguishing placard, a temporary distinguishing placard, or a special license plate issued to a disabled person, disabled veteran, or specified organizations, and the records of the department indicate the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported deceased for a period exceeding 60 days; the placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the placard or license plate was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or the placard or license

plate is counterfeit, forged, altered, or mutilated. Because a violation of these provisions would be an infraction, the bill would impose a state-mandated local program.

(3) Existing law imposes specified fines on a person convicted of a first, 2nd, 3rd, or subsequent offense related to parking or leaving a vehicle without a distinguishing placard or special license plate in a parking space designated for disabled persons and disabled veterans, blocking access to those parking spaces, or parking or leaving standing a vehicle on the lines marking the boundaries of one of those parking spaces or in any area of the pavement adjacent to one of those parking spaces that is marked by crosshatched lines and is designated for the loading and unloading of vehicles parked in the parking space.

This bill, instead, would ~~require~~ *make* a person who commits one of those offenses ~~or one of the offenses described in (2) to be subject to either the issuance of a civil notice of parking citation violation imposing a civil penalty of not less than \$250 and not more than \$1,000, regardless of whether the person previously committed the offense or a criminal notice to appear punishable, as specified, as an infraction.~~

(4) Existing law requires an additional assessment equal to 10% of the fine, penalty, or forfeiture imposed under specified provisions of the Vehicle Code to be imposed by each county for a violation of specified provisions of the Vehicle Code.

This bill would *revise and recast these provisions to also require the that an additional assessment to also be imposed for a fine, penalty, or forfeiture for of 10% of the penalty established for purposes of a violation described in (2) above.*

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1465.6 of the Penal Code is amended to
2 read:
3 1465.6. (a) In addition to an assessment levied pursuant to
4 Section 1465.5 of this code, or any other law, an additional

1 assessment equal to 10 percent of the fine, ~~penalty, or forfeiture~~
2 imposed under Section ~~42001, 42001.5, or 42001.13~~ 42001.5,
3 ~~42001.13, or 42002~~ of the Vehicle Code shall be imposed by each
4 county for a *criminal* violation of Section ~~22507.8, 22511.57, or~~
5 ~~22522~~ of the Vehicle Code. An assessment imposed pursuant to
6 ~~this section shall be deposited in the general fund of the city or~~
7 ~~county wherein the violation occurred.~~ *the following:*

8 (1) *Subdivisions (b), (c), and (d) of Section 4461 of the Vehicle*
9 *Code.*

10 (2) *Subdivision (c) of Section 4463 of the Vehicle Code.*

11 (3) *Section 22507.8 of the Vehicle Code.*

12 (4) *Section 22522 of the Vehicle Code.*

13 (b) *An assessment imposed pursuant to this section shall be*
14 *deposited with the city or county where the violation occurred.*

15 SEC. 2. Section 4461 of the Vehicle Code is amended to read:

16 4461. (a) A person shall not lend a certificate of ownership,
17 registration card, license plate, special plate, validation tab, or
18 permit issued to him or her if the person desiring to borrow it would
19 not be entitled to its use, and a person shall not knowingly permit
20 its use by one not entitled to it.

21 (b) A person to whom a disabled person placard has been issued
22 shall not lend the placard to another person, and a disabled person
23 shall not knowingly permit the use for parking purposes of the
24 placard or identification license plate issued pursuant to Section
25 5007 by one not entitled to it. A person to whom a disabled person
26 placard has been issued may permit another person to use the
27 placard only while in the presence or reasonable proximity of the
28 disabled person for the purpose of transporting the disabled person.
29 A violation of this subdivision is subject to the issuance of a
30 ~~parking citation~~ *notice of parking violation* imposing a civil penalty
31 of not less than two hundred fifty dollars (\$250) and not more than
32 one thousand dollars (\$1,000), *for which enforcement shall be*
33 *governed by the procedures set forth in Article 3 (commencing*
34 *with Section 40200) of Chapter 1 of Division 17* or is a
35 misdemeanor punishable by a fine of not less than two hundred
36 fifty dollars (\$250) and not more than one thousand dollars
37 (\$1,000), imprisonment in the county jail for not more than six
38 months, or both that fine and imprisonment.

39 (c) Except for the purpose of transporting a disabled person as
40 specified in subdivision (b), a person shall not display a disabled

1 person placard that was not issued to him or her or that has been
 2 canceled or revoked pursuant to Section 22511.6. A violation of
 3 this subdivision is subject to the issuance of a ~~parking citation~~
 4 *notice of parking violation* imposing a civil penalty of not less
 5 than two hundred fifty dollars (\$250) and not more than one
 6 thousand dollars (\$1,000), *for which enforcement shall be governed*
 7 *by the procedures set forth in Article 3 (commencing with Section*
 8 *40200) of Chapter 1 of Division 17* or is a misdemeanor punishable
 9 by a fine of not less than two hundred fifty dollars (\$250) and not
 10 more than one thousand dollars (\$1,000), imprisonment in the
 11 county jail for not more than six months, or both that fine and
 12 imprisonment.

13 (d) Notwithstanding subdivisions (a), (b), and (c), a person using
 14 a vehicle displaying a special identification license plate issued to
 15 another pursuant to Section 5007 shall not park in those parking
 16 stalls or spaces designated for disabled persons pursuant to Section
 17 22511.7 or 22511.8, unless transporting a disabled person. A
 18 violation of this subdivision is subject to the issuance of a ~~parking~~
 19 ~~citation~~ *notice of parking violation* imposing a civil penalty of not
 20 less than two hundred fifty dollars (\$250) and not more than one
 21 thousand dollars (\$1,000), *for which enforcement shall be governed*
 22 *by the procedures set forth in Article 3 (commencing with Section*
 23 *40200) of Chapter 1 of Division 17* or is a misdemeanor punishable
 24 by a fine of not less than two hundred fifty dollars (\$250) and not
 25 more than one thousand dollars (\$1,000), imprisonment in the
 26 county jail for not more than six months, or both that fine and
 27 imprisonment.

28 (e) For the purposes of subdivisions (b) and (c), “disabled
 29 person placard” means a placard issued pursuant to Section
 30 22511.55 or 22511.59.

31 SEC. 3. Section 4463 of the Vehicle Code is amended to read:

32 4463. (a) A person who, with intent to prejudice, damage, or
 33 defraud, commits any of the following acts is guilty of a felony
 34 and upon conviction thereof shall be punished by imprisonment
 35 in the state prison for 16 months or two or three years, or by
 36 imprisonment in a county jail for not more than one year:

37 (1) Alters, forges, counterfeits, or falsifies a certificate of
 38 ownership, registration card, certificate, license, license plate,
 39 device issued pursuant to Section 4853, special plate, or permit
 40 provided for by this code or a comparable certificate of ownership,

1 registration card, certificate, license, license plate, device
2 comparable to that issued pursuant to Section 4853, special plate,
3 or permit provided for by a foreign jurisdiction, or alters, forges,
4 counterfeits, or falsifies the document, device, or plate with intent
5 to represent it as issued by the department, or alters, forges,
6 counterfeits, or falsifies with fraudulent intent an endorsement of
7 transfer on a certificate of ownership or other document evidencing
8 ownership, or with fraudulent intent displays or causes or permits
9 to be displayed or have in his or her possession a blank, incomplete,
10 canceled, suspended, revoked, altered, forged, counterfeit, or false
11 certificate of ownership, registration card, certificate, license,
12 license plate, device issued pursuant to Section 4853, special plate,
13 or permit.

14 (2) Utters, publishes, passes, or attempts to pass, as true and
15 genuine, a false, altered, forged, or counterfeited matter listed in
16 paragraph (1) knowing it to be false, altered, forged, or
17 counterfeited.

18 (b) A person who, with intent to prejudice, damage, or defraud,
19 commits any of the following acts is guilty of a misdemeanor, and
20 upon conviction thereof shall be punished by imprisonment in a
21 county jail for six months, a fine of not less than five hundred
22 dollars (\$500) and not more than one thousand dollars (\$1,000),
23 or both that fine and imprisonment, which penalty shall not be
24 suspended:

25 (1) Forges, counterfeits, or falsifies a disabled person placard
26 or a comparable placard relating to parking privileges for disabled
27 persons provided for by a foreign jurisdiction, or forges,
28 counterfeits, or falsifies a disabled person placard with intent to
29 represent it as issued by the department.

30 (2) Passes, or attempts to pass, as true and genuine, a false,
31 forged, or counterfeit disabled person placard knowing it to be
32 false, forged, or counterfeited.

33 (3) Acquires, possesses, sells, or offers for sale a genuine or
34 counterfeit disabled person placard.

35 (c) A person who, with fraudulent intent, displays or causes or
36 permits to be displayed a forged, counterfeit, or false disabled
37 person placard, is subject to the issuance of a ~~parking citation~~
38 *notice of parking violation* imposing a civil penalty of not less
39 than two hundred fifty dollars (\$250) and not more than one
40 thousand dollars ~~(\$1,000); (\$1,000), for which enforcement shall~~

1 *be governed by the procedures set forth in Article 3 (commencing*
2 *with Section 40200) of Chapter 1 of Division 17* or is guilty of a
3 misdemeanor punishable by imprisonment in a county jail for six
4 months, a fine of not less than two hundred fifty dollars (\$250)
5 and not more than one thousand dollars (\$1,000), or both that fine
6 and imprisonment, which penalty shall not be suspended.

7 (d) For purposes of subdivision (b) or (c), “disabled person
8 placard” means a placard issued pursuant to Section 22511.55 or
9 22511.59.

10 (e) A person who, with intent to prejudice, damage, or defraud,
11 commits any of the following acts is guilty of an infraction, and
12 upon conviction thereof shall be punished by a fine of not less than
13 one hundred dollars (\$100) and not more than two hundred fifty
14 dollars (\$250) for a first offense, not less than two hundred fifty
15 dollars (\$250) and not more than five hundred dollars (\$500) for
16 a second offense, and not less than five hundred dollars (\$500)
17 and not more than one thousand dollars (\$1,000) for a third or
18 subsequent offense, which penalty shall not be suspended:

19 (1) Forges, counterfeits, or falsifies a Clean Air Sticker or a
20 comparable clean air sticker relating to high occupancy vehicle
21 lane privileges provided for by a foreign jurisdiction, or forges,
22 counterfeits, or falsifies a Clean Air Sticker with intent to represent
23 it as issued by the department.

24 (2) Passes, or attempts to pass, as true and genuine, a false,
25 forged, or counterfeit Clean Air Sticker knowing it to be false,
26 forged, or counterfeited.

27 (3) Acquires, possesses, sells, or offers for sale a counterfeit
28 Clean Air Sticker.

29 (4) Acquires, possesses, sells, or offers for sale a genuine Clean
30 Air Sticker separate from the vehicle for which the department
31 issued that sticker.

32 (f) As used in this section, “Clean Air Sticker” means a label
33 or decal issued pursuant to Sections 5205.5 and 21655.9.

34 SEC. 4. Section 22511.57 of the Vehicle Code is amended to
35 read:

36 22511.57. A local authority may, by ordinance or resolution,
37 prohibit or restrict the parking or standing of a vehicle *in a disabled*
38 *person’s parking stall or space* on streets or highways ~~or in a~~
39 ~~disabled person’s parking stall or space of, or a disabled person’s~~
40 *parking stall or space in a* a privately or publicly owned or

1 operated offstreet parking facility within its jurisdiction when the
2 vehicle displays, in order to obtain special parking privileges, a
3 distinguishing placard or special license plate, issued pursuant to
4 Section 5007, 22511.55, or 22511.59, and any of the following
5 conditions are met:

6 (a) The records of the Department of Motor Vehicles for the
7 identification number assigned to the placard or license plate
8 indicate that the placard or license plate has been reported as lost,
9 stolen, surrendered, canceled, revoked, or expired, or was issued
10 to a person who has been reported as deceased for a period
11 exceeding 60 days.

12 (b) The placard or license plate is displayed on a vehicle that is
13 not being used to transport, and is not in the reasonable proximity
14 of, the person to whom the license plate or placard was issued or
15 a person who is authorized to be transported in the vehicle
16 displaying that placard or license plate.

17 (c) The placard or license plate is counterfeit, forged, altered,
18 or mutilated.

19 ~~SEC. 5. Section 40000.7 of the Vehicle Code is amended to~~
20 ~~read:~~

21 ~~40000.7. A violation of any of the following provisions is a~~
22 ~~misdemeanor, and not an infraction:~~

23 ~~(a) Section 2416, relating to regulations for emergency vehicles.~~

24 ~~(b) Section 2800, relating to failure to obey an officer's lawful~~
25 ~~order or submit to a lawful inspection.~~

26 ~~(c) Section 2800.1, relating to fleeing from a peace officer.~~

27 ~~(d) Section 2801, relating to failure to obey a firefighter's lawful~~
28 ~~order.~~

29 ~~(e) Section 2803, relating to unlawful vehicle or load.~~

30 ~~(f) Section 2813, relating to stopping for inspection.~~

31 ~~(g) Subdivisions (b), (c), and (d) of Section 4461 and~~
32 ~~subdivisions (b) and (c) of Section 4463, relating to disabled person~~
33 ~~placards and disabled person and disabled veteran license plates,~~
34 ~~except as otherwise provided by those subdivisions.~~

35 ~~(h) Section 4462.5, relating to deceptive or false evidence of~~
36 ~~vehicle registration.~~

37 ~~(i) Section 4463.5, relating to deceptive or facsimile license~~
38 ~~plates.~~

39 ~~(j) Section 5500, relating to the surrender of registration~~
40 ~~documents and license plates before dismantling may begin.~~

1 ~~(k) Section 5506, relating to the sale of a total loss salvage~~
2 ~~vehicle, or of a vehicle reported for dismantling by a salvage~~
3 ~~vehicle rebuilder.~~

4 ~~(l) Section 5753, relating to delivery of certificates of ownership~~
5 ~~and registration when committed by a dealer or any person while~~
6 ~~a dealer within the preceding 12 months.~~

7 ~~(m) Section 5901, relating to dealers and lessor-retailers giving~~
8 ~~notice.~~

9 ~~(n) Section 8802, relating to the return of canceled, suspended,~~
10 ~~or revoked certificates of ownership, registration cards, or license~~
11 ~~plates, when committed by a person with intent to defraud.~~

12 ~~(o) Section 8803, relating to return of canceled, suspended, or~~
13 ~~revoked documents and license plates of a dealer, manufacturer,~~
14 ~~remanufacturer, transporter, dismantler, or salesman.~~

15 ~~SEC. 6. Section 42001.13 of the Vehicle Code is amended to~~
16 ~~read:~~

17 ~~42001.13. (a) A person who commits a violation of Section~~
18 ~~22507.8 or 22511.57 is subject to the issuance of a parking citation~~
19 ~~imposing a civil penalty of not less than two hundred fifty dollars~~
20 ~~(\$250) and not more than one thousand dollars (\$1,000).~~

21 ~~(b) The court or issuing agency may suspend the imposition of~~
22 ~~the penalty if the person possessed at the time of the offense, but~~
23 ~~failed to display, a valid special identification license plate issued~~
24 ~~pursuant to Section 5007 or a distinguishing placard issued~~
25 ~~pursuant to Section 22511.55 or 22511.59.~~

26 ~~(c) A penalty imposed under this section may be paid in~~
27 ~~installments if the court or issuing agency determines that the~~
28 ~~person is unable to pay the entire amount in one payment.~~

29 ~~SEC. 5. Section 40200.1 is added to the Vehicle Code, to read:~~

30 ~~40200.1. A person shall not be subject to both a notice of~~
31 ~~parking violation and a notice to appear for the same violation.~~

32 ~~SEC. 6. Section 40203.5 of the Vehicle Code is amended to~~
33 ~~read:~~

34 ~~40203.5. (a) The schedule of parking penalties for parking~~
35 ~~violations and late payment penalties shall be established by the~~
36 ~~governing body of the jurisdiction where the notice of violation is~~
37 ~~issued. To the extent possible, issuing agencies within the same~~
38 ~~county shall standardize parking penalties.~~

39 ~~(b) Parking penalties under this article shall be collected as civil~~
40 ~~penalties.~~

1 (c) (1) Notwithstanding subdivision (a) the penalty for a
2 violation of Section 22507.8 or an ordinance or resolution adopted
3 pursuant to Section 22511.57 shall be not less than two hundred
4 fifty dollars (\$250) and not more than one thousand dollars
5 (\$1,000).

6 (2) The issuing agency may suspend the imposition of the penalty
7 in paragraph (1), if the violator, at the time of the offense,
8 possesses but failed to display a valid special identification license
9 plate issued pursuant to Section 5007 or a distinguishing placard
10 issued pursuant to Section 22511.55 or 22511.59.

11 (3) A penalty imposed pursuant to this subdivision may be paid
12 in installments if the issuing agency determines that the violator
13 is unable to pay the entire amount in one payment.

14 SEC. 7. Section 40203.6 is added to the Vehicle Code, to read:

15 40203.6. (a) In addition to an assessment levied pursuant to
16 any other law, an additional assessment equal to 10 percent of the
17 penalty established pursuant to Section 40203.5 shall be imposed
18 by the governing body of the jurisdiction where the notice of
19 parking violation is issued for a civil violation of any of the
20 following:

21 (1) Subdivisions (b), (c), and (d) of Section 4461.

22 (2) Subdivision (c) of Section 4463.

23 (3) Section 22507.8.

24 (4) An ordinance or resolution adopted pursuant to Section
25 22511.57.

26 (5) Section 22522.

27 (b) An assessment imposed pursuant to this section shall be
28 deposited with the city or county where the violation occurred.

29 SEC. 8. Section 42001.13 of the Vehicle Code is amended to
30 read:

31 42001.13. (a) A person ~~convicted of an infraction for~~ who
32 commits a violation of Section 22507.8 ~~shall~~ is subject to either a
33 civil notice of parking violation pursuant to Article 3 (commencing
34 with Section 40200) or a criminal notice to appear.

35 (b) If a notice to appear is issued and upon conviction of an
36 infraction for a violation of Section 25507.8, a person shall be
37 punished as follows:

38 (1) A fine of not less than two hundred fifty dollars (\$250) and
39 not more than five hundred dollars (\$500) for the first offense.

1 (2) A fine of not less than five hundred dollars (\$500) and not
2 more than seven hundred fifty dollars (\$750) for the second offense.

3 (3) A fine of not less than seven hundred fifty dollars (\$750)
4 and not more than one thousand dollars (\$1,000) for three or more
5 offenses.

6 ~~(b)–~~

7 (c) The court may suspend the imposition of the fine if the
8 person convicted possessed at the time of the offense, but failed
9 to display, a valid special identification license plate issued
10 pursuant to Section 5007 or a distinguishing placard issued
11 pursuant to Section 22511.55 or 22511.59.

12 ~~(e)–~~

13 (d) A fine imposed under this section may be paid in installments
14 if the court determines that the defendant is unable to pay the entire
15 amount in one payment.

16 ~~SEC. 7.~~

17 *SEC. 9.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.